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8 *Attorneys for Defendants State of Nevada ex rel the*  
9 *Nevada Department of Corrections, Waylon Brown,*  
*Sean French, Kerry Hunter, Jacob Corey, and Derrick*  
*Williams*

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12 **UNITED STATES DISTRICT COURT**  
13 **DISTRICT OF NEVADA**

14 MARTY FURTADO, an individual; MARTY  
15 FURTADO, SPECIAL ADMINISTRATOR  
OF ESTATE OF ANDREW THURGOOD,

16 Plaintiffs,

17 v.

18 STATE OF NEVADA, ex rel, NEVADA  
19 DEPARTMENT OF CORRECTIONS; ADAM  
MICHAEL ISAACSON, an individual;  
20 ANTHONY M. WILLIAMS, an individual;  
OFFICER RUBEN R. JIMENEZ, acting in  
his individual capacity; OFFICER RICK L.  
21 BROWN, acting in his individual capacity;  
DOES 1-20,  
22

23 Defendants.

Case No. 2:18-cv-00188-APG-BNW

**STIPULATION TO EXTEND STAY  
FOR SETTLEMENT PURPOSES**

**(Third Request)**

24  
25 Plaintiff Marty Furtado, by and through counsel, Travis N. Barrick, Esq., and  
26 Defendants State of Nevada ex rel. the Nevada Department of Corrections, Waylon Brown,  
27 Sean French, Kerry Hunter, Jacob Corey, and Derrick Williams (“the NDOC Defendants”)  
28 by and through counsel, Aaron D. Ford, Nevada Attorney General, and Jared M. Frost,

1 Senior Deputy Attorney General, hereby agree and stipulate to extend the stay for an  
2 additional six (6) months from the date of this request for settlement purposes.

3 “The District Court has broad discretion to stay proceedings as an incident to its  
4 power to control its own docket.” *Clinton v. Jones*, 520 U.S. 681, 706 (1997) (citation  
5 omitted).

6 On June 26, 2019, the Court granted the parties’ request to stay the case for sixty  
7 (60) days for settlement purposes. ECF No. 66. On August 26, 2019, the Court granted the  
8 parties’ request to stay the case for an additional thirty (30) days. ECF No. 68.

9 The parties submit there is good cause to extend the stay in this matter for an  
10 additional six (6) months due to the recent appearance of a putative child of Andrew  
11 Thurgood.

12 Plaintiff Marty Furtado is proceeding in this matter both in his individual capacity  
13 and also as the special administrator of Thurgood’s estate. On July 25, 2019, counsel for  
14 Plaintiff was contacted by the legal representative of the putative child. On September 10,  
15 2019, Plaintiff’s counsel informed Defendants of the existence of the putative child. During  
16 the week of September 10, the parties had extensive discussions concerning the legal  
17 ramifications of this new claimant and how her appearance may impact the resolution of  
18 the current proceeding.

19 Pursuant to their discussions, the parties propose a six (6) month extension of the  
20 stay for settlement purposes. During this period, the parties intend to attempt to reach a  
21 global settlement with all possible claimants, seek approval of any agreement by the  
22 probate court,<sup>1</sup> and effectuate a minor’s compromise if necessary.<sup>2</sup> At the conclusion of the

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26 <sup>1</sup> According to a November 2016 Order Granting Appointment of Special  
27 Administration, “the settlement of the decedent’s [Andrew Thurgood] lawsuit is subject to  
28 this [the probate] court’s approval.” See Exhibit 1.

<sup>2</sup> See NRS 41.200 (Nevada’s statute regarding compromise of a minor’s claim).

1 stay, the Court should direct the parties to file either a notice of settlement or a joint status  
2 report setting forth their positions as to how the case should move forward.

3  
4 DATED this 25th day of September, 2019. DATED this 25th day of September, 2019.

5 GALLIAN WELKER & BECKSTROM, LTD.

AARON D. FORD  
Attorney General

6  
7 By: /s/ Travis N. Barrick  
8 TRAVIS N. BARRICK, ESQ.  
9 Nevada Bar No. 9257  
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*Attorneys for Plaintiff*

By: /s/ Jared M. Frost  
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*Attorneys for the NDOC Defendants*

10  
11 **ORDER**

12 **SO ORDERED.** This matter is stayed for an additional six (6) months. On or before  
13 March 23, 2020, the parties shall file a notice of settlement or a joint status report setting  
14 forth the parties' positions as to how this case should move forward.

15 Dated this 3<sup>rd</sup> day of October, 2019.

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18 UNITED STATES MAGISTRATE JUDGE